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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 EDWARD V. SHELL,

11 Petitioner,

12 vs.

13 RONALD RACKLEY, Warden,

14 Respondent.

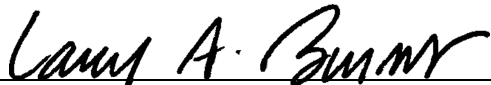
CASE NO. 16cv2320-LAB (JLB)

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

15 The Court finds Judge Burkhardt's Report and Recommendation correct and adopts
16 it. Edward Shell failed to file timely objections, but the Court considered the issues he raised
17 in his extension motion [Dkt. 20] and finds them meritless. Fed. R. Civ. P. 72(b). Shell's
18 motion to expand the record and his petition for habeas relief is denied. [Dkt. 15 & 16]. Since
19 Shell hasn't "made a substantial showing of the denial of a constitutional right," the Court
20 denies him a certificate of appealability. 28 U.S.C. § 2253. The clerk shall enter judgment
21 and close the case.

22 **IT IS SO ORDERED.**

23 Dated: August 21, 2017

24 
25 **HONORABLE LARRY ALAN BURNS**
26 United States District Judge
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